

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, October 16, 2014, @ 6:30 p.m.**
 Jerrily R. Kress Memorial Hearing Room
 441 4th Street, N.W., Suite 220-South
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-05 (Forest City Washington – Text Amendments to the Yards West)

THIS CASE IS OF INTEREST TO ANC 6D

On March 27, 2014, the Office of Zoning received a petition from Forest City Washington requesting text amendments to the Zoning Regulations to allow for certain bonus height, density, and flexibility intended to encourage residential development in the Yards West portion of the the Southeast Federal Center Overlay District (“SEFC”)/CR Zone District. In its preliminary and pre-hearing report dated May 30, 2014, the Office of Planning supported the general intent of the request, subject to refinements and conditions as set forth in the OP report. The Zoning Commission, at its regularly scheduled public meeting on June 9, 2014, voted to advertise the proposed text amendment as revised by the Office of Planning in its report, subject to additional changes recommended by the Office of the Attorney General. The petitioner filed its prehearing statement on July 8, 2014.

The following amendments to Title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed:

Amend Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, § 1803, SEFC/CR ZONING DISTRICT, as follows:

- 1. Amend § 1803.3 by adding a new subsection 1803.3(i), authorizing deviations from ground-floor preferred use requirements with Zoning Commission approval.*

1803.3 Within the SEFC/CR District, "preferred uses" listed in § 1807.2 of this title shall be permitted in accordance with the following:

- (a) Any building or structure with frontage on M Street, S.E. or N Street, S.E. shall provide preferred uses comprising a minimum of seventy-five percent (75%) of the frontage on M Street, S.E. or N Street, S.E. and a minimum of seventy-five percent (75%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior façade of the front of building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces. This requirement shall not apply to (i) buildings directly south of the historic

wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains or (ii) any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803.3(b) below, preferred uses may be provided on the ground floor level of such buildings;

- (b) In addition to the locations in which preferred uses are required pursuant to §1803.3(a), preferred uses may be provided on the ground floor level of buildings in other areas within the SEFC/CR District, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of § 1803.3(a), (e), (f), and (g);
- (c) In addition to the preferred uses listed in § 1807.2, the preferred use space requirement of § 1803.3(a) may also be met by any use listed in § 1803.2, other than those listed in § 1803.2 (b), (g), or (o), if reviewed and approved by the Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title;
- (d) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under § 1803.3(a) by other uses permitted in the SEFC Overlay District for up to a five (5) year period; provided that the ground-floor space is suitably designed for future occupancy by preferred uses;
- (e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in subsections 1803.3 (a), shall be devoted to doors or display windows having clear or low emissivity glass;
- (f) Preferred uses shall provide direct, exterior access to the ground level;
- (g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet;
- (h) Ground floor area required for preferred uses may not be transferred to any other lot through Combined Lot Development; and
- (i) Changes to the type, amount, and location of preferred uses required under § 1803.3(a) shall be permitted if reviewed and approved by the Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809.

2. *Amend § 1803.5 to allow for height permitted by the 1910 Height Act for certain parcels within the SEFC/CR Zone District that utilizes the residential density bonus in the SEFC/CR Zone District.*

1803.5 The maximum building height in the SEFC/CR District shall not exceed 110 feet, except as set forth below:

(a) ~~unless the~~ For sites with has frontage on any portion of New Jersey Avenue, S.E. that is south of and within 322 feet of M Street, S.E., ~~in which case~~ a maximum height of 130 feet is permitted.

(b) For sites within Parcels A, F, G, or H utilizing the bonus density permitted pursuant to § 1803.7(b), the maximum permitted building height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910.

3. *Amend § 1803.7 to allow a 1.0 FAR bonus for residential uses on certain parcels within the SEFC/CR Zone District.*

1803.7 In the SEFC/CR District, the maximum permitted density shall be 6.0 FAR overall, not more than 3.0 FAR of which may be used for other than residential purposes, except as set forth below:

(a) ~~That a~~ A site that is permitted a height of 130 feet pursuant to § 1803.5(a) is permitted a maximum non-residential density of 6.5 FAR through combined lot development, in accordance with the provisions outlined in § 1810; and

(b) A building within Parcels A, F, G, H, and I shall be permitted a maximum density of 7.0 FAR, provided that the additional 1.0 FAR is devoted solely to residential uses, which for purposes of this subsection does not include a hotel.

4. *Amend § 1803.8 to require Zoning Commission design review for any property utilizing bonus height and density for residential use, and specify certain additional standards for such review.*

1803.8 Any proposed building that has frontage along M Street, S.E. or utilizes additional height and density pursuant to §§ 1803.5(b) and 1803.7(b) shall be subject to review and approval by the Commission. An applicant requesting approval under this section must prove that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building:

- (a) Facilitate the provision of an entrance to the Navy Yard Metrorail Station;
- (b) Ensure the provision of 1½ Street SE and N Street SE as open and uncovered circulation routes; and
- (c) Are of superior quality, pursuant to the standards set forth in § 1808 and procedures set forth in § 1809.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record. Written statements may also be submitted by mail to 441 4th Street, N.W.,

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Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, MARCIE I. COHEN, ROBERT E. MILLER PETER G. MAY,
AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT
OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN,
SECRETARY TO THE ZONING COMMISSION.**